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| EXAMINER |
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SWEARINGEN, JEFFREY R

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/650,638
Filing Date: August 28, 2003
Appellant(s): GIANNETTI ET AL.

Charles W. Griggers
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/2/2009 appealing from the Office action mailed 10/2/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

An objection to the specification is still present in the application. This issue relates to petitionable subject matter under 37 CFR 1.181 and not to appealable subject matter. See MPEP § 1002 and § 1201.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------|--------------|--------|
| 6,345,279 | Li et al. | 2-2002 |
| 6,266,684 | Kraus et al. | 7-2001 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The amendment filed 6/30/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Applicant amended claims 23-24 to allow for a computer readable storage medium. A computer readable storage medium is not defined within the specification.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. (US 6,345,279) in view of Kraus et al. (US 6,266,684).

In regard to claim 1, 18, 23, Li disclosed a method of adapting content to multiple devices based upon the ability of the device to receive the content. Li, column 2, lines 28-39. Li, column 6, lines 8-29. *(defining at least two choices of content which may be styled for a first content portion of the document; defining at least two choices of content which may be styled for a second content portion of the document; labelling the choices of content for a web page to indicate to a server approved combinations of content for the first content portion of the web page with content for the second content portion of the same web page, wherein the web page is produced for serving to a requesting user by incorporating an approved combination of content for the first content portion of the*

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web page and the second content portion of the web page.) Li disclosed the serving of the web page, but failed to disclose the authoring of web content.

Kraus, in the analogous field of web pages with multiple types of content, disclosed a web authoring system allowing for multiple kinds of content to be added to a web page. Kraus, column 2, lines 55-67. It would have been obvious to one of ordinary skill in the art at the time of invention that any web page used by Li would have to be created by some sort of programming or software, and that Kraus was a system of creating web pages that would be usable with Li in order to create the appropriate web content for Li to display.

In regard to claim 2, Kraus further disclosed *the step of labelling the choices of content to indicate approved combinations is performed manually by an author*. Kraus taught the insertion of web resources into a web page. Kraus, column 5, lines 31-61.

In regard to claim 3, 24, Li further disclosed *an additional step of arranging allowable choices into class sub-sets, each class sub-set including only those labeled choices which match properties of a class of devices on which a web document is to be rendered*. Li, column 6, lines 3-7; lines 42-48.

In regard to claim 4, Li further disclosed *defining more than one class sub-set of the allowable choices*. Li, column 6, lines 3-7; lines 42-48.

In regard to claim 5, 22, Li further disclosed *receiving properties of a device requesting a web document and selecting from a sub-class of combinations which includes a device requesting the document a set of content which matches the properties of the requesting device*. Li, column 6, lines 8-29; lines 42-48.

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In regard to claim 6, Li further disclosed *the properties comprise physical properties of the device*. Li, column 6, lines 10-15.

In regard to claim 7, Li further disclosed *applying a set of rules to the content forming each combination in order to determine if the combination is allowable*. Li, column 6, lines 8-29; lines 42-48.

In regard to claim 8, Li further disclosed *a rule which is used comprises checking that the combination of content for the first and second portions fits within a minimum and/or a maximum area available on all of the devices within the class for rendering the content portions*. Li, column 6, lines 8-29; lines 42-48.

In regard to claim 9, Li further disclosed *a different rule which may be applied is to check if all of the content for the combination can be rendered by all of the defined devices within a class*. Li, column 6, lines 8-29; lines 42-48.

In regard to claim 10, Li further disclosed *the class of devices comprises PDA devices, or PCs or WAP enabled devices*. Li, column 6, line 18.

In regard to claim 11, Kraus further disclosed *a web document which is authored comprises a web page, a portion of a web page or a set of web pages which are related to one another in some way*. Kraus, column 5, lines 31-61.

In regard to claim 12, Kraus further disclosed *a choice of content is provided as a separate file or a sub-file of a single file*. Kraus, column 5, lines 31-61.

In regard to claim 13, Kraus further disclosed *authoring new content*. Kraus, column 2, lines 56-57.

In regard to claim 14, Li further disclosed *providing a preference to each approved combination indicating which combination should be used in preference to another combination should more than one combination be suitable for sending to the requesting device*. Li, column 6, lines 20-29; lines 42-48.

In regard to claim 15, Li further disclosed *the preference is to ensure that a largest size content is always used for the given property of the requesting device*. Li, column 6, lines 8-29; lines 42-48.

In regard to claim 16, Li further disclosed *labels for the approved combinations are used to indicate the preference*. Li, column 6, lines 20-29; lines 42-48

In regard to claim 17, Li further disclosed *transmitting to the device making the request for a web document which includes one of the approved combinations included in the class-subset containing the requesting device which is best suited to that device*. Li, column 6, lines 42-48.

In regard to claim 19, Kraus further disclosed *the content defining tool comprises an editor which permits the author to define an identity and location of existing content choices and/or to author new content*. Kraus, column 5, line 31 - column 6, line 22.

In regard to claim 20, Kraus further disclosed *the labelling tool is adapted to render automatically selected choices for the author or other user and request the author or used to indicate if the combination is approved*. Kraus, column 5, line 31 - column 6, line 22.

(10) Response to Argument

Li disclosed a method of allocating multimedia content. (Li, Abstract).

Li, Figure 5 and column 7, lines 1-45 disclose the method of allocating the content. As shown in lines 3-4 and item 520, each content item is given a priority. Values are attributed to each version in 540 and lines 35-45.

Li, column 8, lines 43-49 states that an author could manually assign the values to select the content for a web page, but that "manually assigning the values is not a practical proposition in most scenarios." This suggests that automatically assigning the values would be practical, and suggests providing combinations of content.

Priority values and values attributed to a version are used to indicate approved combinations of content for a web page. This therefore meets Appellant's claim limitation of *labelling the choices of content for a web page to indicate to a server approved combinations of content for the first content portion of the web page with content for the second content portion of the same web page, wherein the web page is produced for serving to a requesting user by incorporating an approved combination of content for the first content portion of the web page and the second content portion of the same web page.*

For the reasons above, Li in view of Kraus meets Appellant's claim limitations of *a content defining tool for defining at least two choices of content which may be styled, for a first content portion of the document and at least two choices of content, which may be styled, for a second content portion of the document; and a labelling tool which permits an author to label the choices of content to indicate to a server allowable*

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combinations of content for the first content portion with content for the second content portion of the same document.

For the reasons above, Li in view of Kraus meets Appellant's claim limitations of *a content defining section defining at least two choices of content for the document, which may be styled, for a first content portion of the document and at least two choices of content, which may be styled, for a second content portion of the same document; and a label section which includes labels corresponding to choices of content, each label indicating to a server an allowable combination of content for the first content portion with content for the second content portion of the same document, wherein the document is produced for serving to a requesting user by incorporating an approved combination of content for the first content portion of the document and the second content portion of the same document.*

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/J. R. S./

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Application/Control Number: 10/650,638

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